

No. 50367-1-II

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II

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CHUCK HAUNREITER,

Appellant

v.

LEWIS COUNTY DEMOCRAT CENTRAL COMMITTEE, et al.

Respondents.

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BRIEF OF RESPONDENT

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Joseph P. Enbody  
WSBA No. 1796  
Attorney for Respondents

**Enbody, Dugaw, Enbody & Arcuri**  
107 S. Tower Ave  
Centralia, WA 98531  
(360) 736-8269

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## **I. ASSIGNMENTS OF ERROR**

1. The Trial Court did not commit error by finding Mr. Haunreiter in violation of CR 11.
2. The court did not abuse its discretion in ordering Mr. Haunreiter to pay sanctions to the Respondent's attorney before he could file any further affirmative relief.
3. The Trial Court did not commit error by denying Mr. Haunreiter's request for a finding that the Executive Board of the Lewis County Democrat Central Committee had no authority to ban him from Central Committee Meetings.
4. The Trial Court did not commit error in adjudicating whether the Lewis County Democrat Central Committee was a private organization.
5. The Trial Court did not commit error by not granting equitable relief to Mr. Haunreiter after he lost his re-election for Precinct Committee Officer.
6. The Trial Court did not commit error by not granting a declaratory judgment in a motion for injunctive relief.
7. The Trial Court did not commit error by denying a request for Mr. Haunreiter to be able to attend Central Committee meetings after he lost his re-election for Precinct Committee Officer.
8. The Trial Court did not commit error by finding that Mr.

Haunreiter's alleged past damages do not qualify as immediate and irreparable injury.

9. The Trial Court did not commit error by finding that the issues Mr. Haunreiter raised were improper for a motion for injunctive relief and should be raised at trial.
10. The Trial Court did not commit error by not requiring the Respondents to fully respond to Mr. Haunreiter's motion for injunctive relief.

## **II. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR**

1. Whether the trial court abused its discretion in finding Mr. Haunreiter had violated CR 11 and subsequently imposed sanctions?
2. Whether the trial court abused its discretion in ordering Mr. Haunreiter to pay sanctions to the Respondent's attorney before he could file any further affirmative relief?
3. Whether the trial court could have granted non-equitable relief in the form of a declaratory judgment upon a motion for injunctive relief?
4. Whether the Court found that the Lewis County Democrat Central Committee is a private organization as it pertained to Mr. Haunreiter, and committed error by doing so?
5. Whether the Court committed error by not granting equitable relief to Mr. Haunreiter when at the time of the motion, he had already lost his bid for re-election as a Precinct Committee Officer and no longer had a right to the position?
6. Whether the Court committed error by not granting a declaratory judgment that all actions of the Lewis County Democrat Central Committee be null and void after Mr. Haunreiter was released from his duty as a Precinct Committee Officer?
7. Whether the trial court committed error by denying Mr.

Haunreiter's request to attend the Central Committee meetings  
after he lost his bid for re-election as a Precinct Committee  
Officer?

8. Whether the trial court committed error by denying Mr. Haunreiter  
would suffer immediate and irreparable injury, loss, or damage?
9. Whether the issues Mr. Haunreiter raised had to wait for trial?
10. Whether it was proper for the trial court to find Respondents did  
not have to fully respond to Mr. Haunreiter's Motion for Injunctive  
Relief?



### III. STATEMENT OF THE CASE

The issues that the Court is presented with stem from an extended, year-long history of complaints which Mr. Haunreiter has with the Lewis County Democrat Central Committee. To begin, the original complaint, case number 16-2-00285-21, was filed in Lewis County Superior Court on March 16, 2016. CP, sub 6.

Mr. Haunreiter filed his first Motion for Change of Venue on April 27, 2016. CP, sub 7. His motion was predicated on RCW 4.12.030(2), and the sole sentence of his declaration which read “There is reason to believe that an impartial trial cannot be had in Lewis County, Washington.” CP, sub 7. Mr. Haunreiter struck the first motion hearing, then filed a new Motion for Change of Venue on May 4, 2016. CP, sub 10. Mr. Haunreiter’s motion, at its core, was strong personal opinions of all of the presiding superior court judges of Lewis County. *See* CP, sub 10. A hearing was held on 5/20/16 and on June 2, 2016, the Superior Court subsequently found Mr. Haunreiter in violation of Civil Rule 11 as a result of his motion on change of venue and ordered Mr. Haunreiter to pay \$500 to the Respondents. CP, sub 20.

On October 3, 2016, Mr. Haunreiter then filed his action in the United States District Court for the Western District of Washington, case number C16-5840RJB, adding Mr. Jaxon Ravens as a party. A 12(b)(6) motion was then brought, and the case was dismissed with prejudice on

November 15, 2016.

Mr. Haunreiter then turned his focus back to his Superior Court case and on January 18, 2017, filed a motion for injunctive relief. CP, 19. The Court heard the motion on January 27, 2017. The order on Mr. Haunreiter's motion for injunctive relief was presented to the Court on February 24, 2017, and the Court denied Mr. Haunreiter's motion in full, as well as again imposing CR 11 sanctions against Mr. Haunreiter in the amount of \$1,220. CP, 141-43. Prior to the presentation of the Order, Mr. Haunreiter filed a motion for reconsideration of his motion for injunctive relief on February 17, 2017; the Court subsequently denied this motion the day the order on the motion for injunctive relief was presented to the Court. CP, 144.

Mr. Haunreiter then filed a notice of appeal March 27, 2017, appealing his motion for injunctive relief, Court Rule 11 sanctions entered on February 24, 2017, and the ruling on his Motion for Reconsideration entered on February 24, 2017. CP, 145.

## IV. ARGUMENT

### A. Court Rule 11

1. *Whether the trial court abused its discretion in finding Mr. Haunreiter had violated CR 11 and subsequently imposed sanctions?*

Court Rule 11 requires that an attorney sign every pleading, motion, and legal memorandum submitted to the court to certify that it is (1) well grounded in fact, (2) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, (3) not interposed for an improper purpose, and (4) the denials of factual contentions are warranted on the evidence or reasonably based on a lack of information or belief. CR 11. CR 11 grants the court “discretionary authority to impose sanctions upon a motion by a party or on the superior court’s own initiative.”

*la v. Pollard Group, Inc.*, 152 Wn.2d 828, 842, 100 P.3d 791 (2004). On appeal, a trial court’s decision to award or deny sanctions under CR 11 is reviewed under the abuse of discretion standard. *Biggs v. Vail*, 124 Wn.2d 193, 197, 876 P.2d 448 (1994). A trial court abuses its discretion when its decision is based on untenable grounds or is manifestly unreasonable.

*Ames v. Pierce County*, 194 Wn.App. 93, 120, 374 P.3d 228 (2016).

- a. **The Trial Court did not abuse its discretion in imposing sanctions against Mr. Haunreiter because his motion for injunctive relief did not present an argument supported by law, he did not he**

**present a good faith argument for a change in existing law, and made requests for numerous declaratory and compensatory judgments in a motion for injunctive relief.**

To begin, Mr. Haunreiter has cited no legal authority proffering a standard of review for the trial court's decision to impose CR 11 sanctions on him. It would appear from his brief that his argument is predicated on the reasoning that 1) the Respondent did not cite a reason why CR 11 sanctions should be imposed, 2) the trial court judge "argued the case for CR 11 sanctions," and 3) the motion for injunctive relief by the Appellant did not have to prove irreparable harm, and thus, was in fact well-grounded in fact and warranted by existing law. Appellant's Brief 17-19.

In response to Mr. Haunreiter's claims, it is well-established law that an opposing party does not have to cite a reason for CR 11 sanctions or even motion the court for sanctions to be imposed. As the court discussed in *Labriola*, a court has discretionary authority, on its own initiative, to impose sanctions regardless of whether a party has motioned for CR 11 sanctions or whether a party has cited a reason for the imposition of sanctions.

Additionally, Mr. Haunreiter's claim that he did not have to prove irreparable harm in his motion for injunctive relief does not absolve him from violating CR 11. Although a temporary restraining order, which is

issued without notice to the adverse party requires a showing of irreparable harm under CR 65(b), neither the injunction statute, [RCW 7.40.020], nor CR 65(b) require a showing of irreparable harm to obtain an injunction where the adverse party is given notice. See RCW 7.40.020; 7.40.050; CR 65 (a),(b),(d); *Boeing Co. v. Sierracin Corp.*, 108 Wn.2d 38 (1987). A party seeking an injunction must show (1) that he has a clear legal or equitable right, (2) that he has a well-grounded fear of immediate invasion of that right, and (3) that the acts complained of are either resulting in or will result in actual and substantial injury to him. *City of Spokane v. Local No. 1553, American Federation of State, County and Mun. Employees, AFL-CIO*, 76 Wn.App. 765, 888 P.2d 735 (Div. 3 1995).

Mr. Haunreiter did not allege an immediate invasion of any right, but rather, alleged a prior invasion of a right during the time he was a precinct committee officer, a position he no longer held. Further, the acts complained of the Respondent were not resulting in, or will result in an actual and substantial injury to Mr. Haunreiter due to the fact that the alleged wrongdoing was in the past, and no longer an ongoing issue. Beyond the clearly misguided and baseless action for injunctive relief, Mr. Haunreiter inappropriately requested numerous declaratory judgments as well as compensatory damages in his prayer for relief, actions which a court could not legally address in a motion for injunctive relief. These requests included:

1. “A finding that chairman Carol Brock and the Executive Board of the Lewis County Democrat

- Central Committee had no authority to ban Mr. Haunreiter from attending the Lewis County Democrat Central Committee meetings.”
2. A request for “appropriate declaratory relief regarding the unlawful and unconstitutional acts and practices of the Defendants.”
  3. A request for “compensatory damages in an amount to be determined by the court.”
  4. A request for “appropriate equitable relief against all Defendants, including the enjoining and permanent restraining of these violations, and direction to the Defendants to take such affirmative action as is necessary to ensure that the effects of the unconstitutional and unlawful violation of free speech practices are eliminated and do not continue to affect Plaintiff’s or others’ constitutionally protected free speech.”
  5. A request that Mr. Haunreiter shall be allowed to attend the “Central Committee meetings.”
  6. A request that “Since Plaintiff Chuck Haunreiter’s term as [Precinct Committee Officer] ended before this case is fully adjudicated, that he be a co-precinct committee officer for every month he was unconstitutionally banned from attending Central Committee meetings.”
  7. A request to declare all motions, resolutions, elections, or other party business performed in Mr. Haunreiter’s absence from the Lewis County Democrat Central Committee Meetings null and void.

CP, 46-47.

It is clear that Mr. Haunreiter sought to adjudicate claims that he had against the Democratic Central Committee through a motion for injunctive relief. Additionally all of Mr. Haunreiter’s claims were denied due to not being supported by the law he cited, or could not be granted due to being repeated requests for declaratory judgments or compensatory damages.

CP 141-143.

- “1. ...denied and is ***not supported by provisions*** of RCW 29.A.80.
2. [R]equest for declaratory relief...denied because ***such relief cannot be granted absent trial or summary judgment.***
3. [R]equest for compensatory damages...denied because ***such relief cannot be granted absent trial or summary judgment.***
4. Request for equitable relief by motion is denied as there is ***no showing of immediate and irreparable harm.***
5. Request for reasonable attorney’s fees is denied as there is ***no legal basis for such an order.***
6. The request by motion Plaintiff be declared a co-PCO is denied...[as the claim] is ***without merit.***
7. The request by motion that all action of the Lewis County Democratic Central Committee be declared null and void ***has been made without any supporting legal basis...*** CP, 141-143.

In sum, Mr. Haunreiter has not presented a proposed standard of review for this issue and has again, given no legally sound argument as to why he should not have been sanctioned. Not one issue that Mr. Haunreiter has raised in his brief would absolve him from a CR 11 sanction and he has merely regurgitated the argument he originally presented to the trial court.

When the issue is analyzed under the correct standard, which is whether the Trial Court’s imposition of CR 11 sanctions was an abuse of discretion, it is clear from the facts that there is no such abuse. In order to overturn a discretionary decision, such as the imposition of CR 11 sanctions, the Trial Court Judge must have based that discretionary decision on untenable grounds or that it was manifestly unreasonable. There is ample evidence that Mr. Haunreiter’s motion for injunctive relief

was not supported by any law that he cited, any existing law, nor any proffered modification or extension of existing law. The discretionary decision to impose sanctions was made on very straight-forward, legally sufficient grounds and at no stretch was unreasonable, let alone manifestly unreasonable.

Upon a reading of the transcript from Mr. Haunreiter's Motion for Injunctive Relief, it becomes apparent that Mr. Haunreiter has no basis for his motion. Mr. Haunreiter wrongfully attempted to adjudicate his case against the Respondents through a motion for injunctive relief, rather than awaiting to have his case heard at trial. The court repeatedly noted to Mr. Haunreiter that he is arguing the same issues as his complaint, that his requests were not appropriate for injunctive relief prior to a trial, and that his cited legal authority did not support his claims. See RP, 3, 12, 15, 16, 17. Additionally, Mr. Haunreiter offered no legal authority or facts which would support his claim for injunctive relief, notwithstanding the fact that he failed to make appropriate requests for equitable relief.

In conclusion, the Trial Court did not abuse its discretion in sanctioning Mr. Haunreiter for his Motion for Injunctive Relief as it was not well grounded in fact or supported by any existing law. Additionally, Mr. Haunreiter inappropriately attempted to adjudicate a case for trial through his motion, all while failing to assert the necessary elements of an injunction had be met, or offering any legal basis at all for his motion.



There is no evidence that the Trial Court made its decision based on untenable grounds, or that the imposition of sanctions was manifestly unreasonable.

2. ***Whether the trial court abused its discretion in ordering Mr. Haunreiter to pay sanctions to the Respondent's attorney before he could file any further affirmative relief?***

A trial court abuses its discretion when its decision is based on untenable grounds or is manifestly unreasonable. *Ames v. Pierce County*, 194 Wn.App. 93, 120, 374 P.3d 228 (2016). “A discretionary decision rests on ‘untenable grounds’ or is based on ‘untenable reasons’ if the trial court relies on unsupported facts or applies the wrong legal standard; the court's decision is ‘manifestly unreasonable’ if ‘the court, despite applying the correct legal standard’ to the supported facts, adopts a view ‘that no reasonable person would take.’ ” *Mayer v. Sto Industries Inc.*, 156 Wn.2d at 677, 132 P.3d 115 (2006).

a. **The court did not abuse its discretion in ordering Mr. Haunreiter to pay sanctions to the Respondent's attorney before he could file any further affirmative relief.**

The length of Mr. Haunreiter's argument for this point alone should be enough evidence to the Court that he has no basis for his claim. Mr. Haunreiter's entire argument, succinctly presented in three sentences, rests on the sole fact that the Respondents cited no authority for ordering

that he not be allowed to file any more motions until he has paid the CR 11 sanctions. Meanwhile, Mr. Haunreiter himself has presented no legal authority to back his argument, cited no case law, given no standard of review, and has presented no legal analysis of the issue at hand.

The legal question that has been presented is whether the trial court abused its discretion in ordering that Mr. Haunreiter pay the CR 11 sanctions prior to filing any additional motions. There is no question that this order was a discretionary order from the Judge. Once again, when the Court analyzes this issue, it must ask whether the Order was made on untenable grounds, or was manifestly unreasonable. Mr. Haunreiter has filed two motions during the life of his civil case, both of which have resulted in CR 11 sanctions being imposed against him. CP, 143, sub 20.

Given the repeated nature of Mr. Haunreiter's civil sanctions, additional steps must have been taken in order to deter Mr. Haunreiter from further slowing down the judicial process. The sanctions, in effect have no teeth if a party may put off their payment and continue to file motions with no legal argument or factual basis. With that being said, the Order was not made on untenable grounds, nor was it manifestly unreasonable to order Mr. Haunreiter to pay his sanctions prior to filing more affirmative relief. The Trial Court did not rely on unsupported facts, as there is evidence of previous sanctions arising out of the same case. Nor did the Trial Court adopt a view that no reasonable person would take,

as it is quite reasonable that the Court would want to avoid future delay as well as give the sanction some teeth since the first CR 11 sanction did not deter Mr. Haunreiter from bringing another motion which resulted in sanctions.

In conclusion, the Trial Court did not abuse its discretion in Ordering Mr. Haunreiter to pay sanctions to the Respondent's attorney before he could file any further affirmative relief.

#### **B. The Motion for Injunctive Relief**

RCW 7.40.020 discusses the grounds for the issuance of an injunction and injunctive relief:

“When it appears by the complaint that the plaintiff is entitled to the relief demanded and the relief, or any part thereof, consists in restraining the commission or continuance of some act, the commission or continuance of which during the litigation would produce great injury to the plaintiff; or when during the litigation, it appears that the defendant is doing, or threatened, or is about to do, or is procuring, or is suffering some act to be done in violation of the plaintiff's rights respecting the subject of the action tending to render the judgment ineffectual; or where such relief, or any part thereof, consists in restraining proceedings upon any final order or judgment, an injunction may be granted to restrain such act or proceedings until the further order of the court, which may afterwards be dissolved or modified upon motion.”

RCW 7.40.020.

It should be further noted that RCW 7.40.020 does not give the Courts sweeping authority to make declaratory judgments through the issuance of an injunction, nor does it authorize the Courts to make factual findings on issues alleged in the civil complaint. What RCW 7.40.020 does outline is

the requirements for a preliminary injunction. A preliminary injunction serves the same general purpose as a temporary restraining order - to preserve the status quo until the trial court can conduct a full hearing on the merits of the complaint. *Northwest Gas Ass'n v. Washington Utilities and Transp. Com'n.*, 141 Wn.App. 98, 116, 168 P.3d 443 (Div. 2, 2007).

The law is well settled that to obtain injunctive relief, a plaintiff must establish (1) he has a clear legal or equitable right; (2) he has a well-grounded fear of immediate invasion of that right by the entity against which he seeks the injunction; and (3) the acts about which he complains are either resulting or will result in actual and substantial injury to him. *Tyler Pipe Indus. v. Dep't of Revenue*, 96 Wash.2d 785, 792, 638 P.2d 1213 (1982). The plaintiff must satisfy these three basic requirements regardless of whether the injunction he seeks is temporary or permanent. *Federal Way Family Physicians v. Tacoma Stands Up for Life*, 106 Wash.2d 261, 265, 721 P.2d 946 (1986).

At a preliminary injunction hearing, the plaintiff need not prove and the trial court does not reach or resolve the merits of the issues underlying these above three requirements for injunctive relief. *Tyler Pipe*, 96 Wash.2d at 793, 638 P.2d 1213. Rather, the trial court considers only the likelihood that the plaintiff will ultimately prevail at a trial on the merits by establishing that he has a clear legal or equitable right, that he reasonably fears will be invaded by the requested disclosure, resulting in

substantial harm. *Id.*

**3. *Whether it was improper for the court to deny Mr. Haunreiter's request for a finding that the Executive Board of the Lewis County Democrat Central Committee had no authority to ban him from Central Committee meetings?***

It is evident that Mr. Haunreiter does not fully comprehend the purpose of a motion for injunctive relief because he argues that relief could have been granted without waiting for trial or summary judgment. *See* Appellant's Brief, 21. Again, it should be noted that Mr. Haunreiter has failed to cite any case law or offer any legal analysis of the issue, but rather, he has merely given a short summary of what took place during the motion for injunctive relief. He has summed his argument by citing himself in the clerk's papers stating "[t]hey did not have to wait for trial or summary judgment." Appellant's Brief, 21.

The fact of the matter is that Mr. Haunreiter is arguing a factual issue, and requesting the court make a factual finding at a preliminary injunction hearing. As noted in *Tyler Pipe*, the trial court does not reach or resolve the merits of the issues underlying the requirements for a preliminary injunction. It was inappropriate for Mr. Haunreiter to request such a finding at the motion for injunctive relief as this is a factual dispute which should be left for resolution at a trial, especially since Mr. Haunreiter no longer held a position as a Precinct Committee Officer and had no present right to be present at the meetings. The fact that Mr.

Haunreiter was no longer a Precinct Committee Officer had been addressed numerous times by both Mr. Haunreiter and the Respondents.

“Plaintiff lost his bid for reelection in 2016.”

CP, 30.

“...[A]s he is no longer even a precinct committee person, having lost his bid for reelection in 2016. As a consequence injunctive relief to protect his interests as a precinct committee person no longer exists.”

CP, 69.

Additionally, the Court heard Mr. Haunreiter’s argument and gave him a very straight-forward and explicit explanation of why his request was inappropriate.

Mr. Haunreiter: “...So the only thing I think the Court needs to know is where did [the Lewis County Central Committee] get their authority to ban me from attending their meetings.”

The Court: “Okay. So what you are arguing to me right now is what you’ve argued in your complaint. You have filed a lawsuit against the defendants arguing that exact same thing...That’s not what we are here for today. Today we are here for injunctive relief. You are asking the Court to do something while the case is pending. And what is it that you are asking me to do while the case is pending?”

Mr. Haunreiter: “Well, as I pointed out in my papers, I’m asking the Court to restrain them from banning me from attending their meetings...I

also want to deal with the fact that since I'm no longer a Precinct Committee Officer to be able to be a coPCO."

RP 3, 4.

Essentially, Mr. Haunreiter was requesting the trial court to adjudicate an issue which the Court had no authority to do, given the nature of the motion. Mr. Haunreiter requested a factual finding on the merits of an issue he has set out in his original complaint, and further, repeated the argument from his complaint in the motion for injunctive relief.

In conclusion, it was appropriate for the trial court to deny Mr. Haunreiter's request. The purpose of a preliminary injunction is to preserve the status quo until the trial court can conduct a full hearing on the merits of the complaint, not to resolve issues set for trial.

**4. *Whether the Court found that the Lewis County Democrat Central Committee is a private organization as it pertained to Mr. Haunreiter, and committed error by doing so?***

Mr. Haunreiter's assertion that the trial court found that the Lewis County Democrat Central Committee is a private organization as it pertained to Mr. Haunreiter is not supported by the record and the Court made no such finding. CP 141-143. The Court discussed how Mr. Haunreiter had not made a showing that there has been significant injury to Mr. Haunreiter based on his assertion that the Lewis County Democrat Central Committee is a public organization, not private. RP, 15.

Additionally, it appears that Mr. Haunreiter was again attempting to litigate an issue in the complaint, which did not pertain to any equitable relief that the Court could offer prior to trial. RP, 15.

Due to the fact the Court made no finding that the Lewis County Democrat Central Committee is a private organization as it pertained to Mr. Haunreiter, the trial court made no error.

**5. *Whether the Court committed error by not granting equitable relief to Mr. Haunreiter when at the time of the motion, he had already lost his bid for re-election as a Precinct Committee Officer and no longer had a right to the position?***

Mr. Haunreiter has again demonstrated his lack of understanding of a preliminary injunction by his appeal of this issue. Mr. Haunreiter has alleged wrongdoings during his time as a Precinct Committee Officer in his complaint against the Respondents. CP 12-27. However, as previously discussed, at the time of the motion for injunctive relief, Mr. Haunreiter no longer had a right to the position as a Precinct Committee Officer and had lost his bid for re-election.

Without presently holding the position as a Precinct Committee Officer, Mr. Haunreiter cannot establish that he has a clear legal or equitable right to anything that pertains to that position. Mr. Haunreiter's motion for equitable relief then fails the first element of the three-prong test for obtaining injunctive relief. Further, without a clear legal or equitable right, there is no manner in proving that Mr. Haunreiter has a



well-grounded fear of immediate invasion of that right. Lastly, there is no manner of Mr. Haunreiter proving any injury will result or is presently resulting in actual or substantial injury to him. Mr. Haunreiter's claim fails on all three prongs of the test for obtaining injunctive relief.

Mr. Haunreiter is arguing that he should have some equitable relief fashioned for a position he no longer holds, or is entitled to in any way. In order to be afforded equitable relief through a preliminary injunction, there must be a clear legal or equitable right to the position of a Precinct Committee Officer. Every argument Mr. Haunreiter has presented relates to alleged wrongdoings in the past, when he did in fact hold the position as a Precinct Committee Officer. Mr. Haunreiter chose to wait until he no longer had a present right to the position causing his issue to become moot for purposes of injunctive relief. With that being said, Mr. Haunreiter's claim of error by the trial court is without merit, and he has offered no legal basis for his appeal. Therefore, the trial court did not err by not fashioning equitable relief to Mr. Haunreiter in regards to his position as a Precinct Committee Officer.

**6. *Whether the Court committed error by not granting a declaratory judgment that all actions of the Lewis County Democrat Central Committee be null and void after Mr. Haunreiter was released from his duty as a Precinct Committee Officer?***

Mr. Haunreiter has presented no tangible argument to why he should have been granted a declaratory judgment which pertained to his

complaint through his motion for injunctive relief. He has also presented no case law, or statute which would permit the court to make such a finding. As noted in *Tyler Pipe*, the trial court considers only the likelihood that the plaintiff will ultimately prevail at a trial on the merits by establishing that he has a clear legal or equitable right, that he reasonably fears will be invaded by the requested disclosure, resulting in substantial harm. A declaratory judgment is an inappropriate request in a motion for injunctive relief as this is an issue which would, and should be addressed at trial.

The trial court even noted that Mr. Haunreiter's request was made without any supporting legal basis for the Court to do so. CP, 142. It is clear that the issues Mr. Haunreiter presented were not appropriate for his motion, and therefore, the court did not commit error by denying his request for declaratory judgment.

**7. *Whether the trial court committed error by denying Mr. Haunreiter's request to attend the Central Committee meetings after he lost his bid for re-election as a Precinct Committee Officer?***

This point has already been addressed in the argument for the fifth assignment of error. It is clear that this request was inappropriate for a request for injunctive relief since Mr. Haunreiter no longer had any claim to being a Precinct Committee Officer after he lost his re-election.

**8. *Whether the trial court committed error by***

***denying Mr. Haunreiter would suffer immediate and irreparable injury, loss, or damage?***

Again, Mr. Haunreiter is mistaken on the law and is attempting to use injunctive relief to remedy past damages. If Mr. Haunreiter were not allowed to attend the Central Committee Meetings, after losing his re-election as a Precinct Committee Officer, he would not be suffering an immediate and irreparable injury. Mr. Haunreiter has alleged past injury, which is not an ongoing and continuous injury. The purpose of preliminary injunctions are to keep the status quo while trial is pending, not to remedy past damages. It is clear that Mr. Haunreiter does not fully comprehend the purpose or substance of the law in this respect, which is why the court made no finding that he would suffer immediate and irreparable injury, loss or damage.

**9. *Whether the issues Mr. Haunreiter raised had to wait for trial?***

This point has previously been addressed. If the Court needs any further clarification I would refer it to the Order on Plaintiff's Motion for Injunctive relief (CP, 141-143), and the trial transcript, which is pretty clear on why Mr. Haunreiter's issues had to wait for trial.

**10. *Whether it was proper for the trial court to find Respondents did not have to fully respond to Mr. Haunreiter's Motion for Injunctive Relief.***

Mr. Haunreiter does not argue this point in his brief. Additionally,

there is no legal authority which would require the Respondents to fully respond to Mr. Haunreiter's Motion.

### **C. Request for CR 11 sanctions**

The very core of Court Rule 11 is to sanction individuals for motions, pleadings, and legal memorandums which are not well-grounded in fact, warranted by existing law, or brought for improper purposes such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. See CR 11. Rule of Appellant Procedure 10.7 also addresses sanctions for the submission of an improper brief. That rule states:

"If a party submits a brief that fails to comply with the requirements of Title 10, the appellate court, on its own initiative or on the motion of a party, may (1) order the brief returned for correction or replacement within a specified time, (2) order the brief stricken from the files with leave to file a new brief within a specified time, or (3) accept the brief. **The appellate court will ordinarily impose sanctions** on a party or counsel for a party who files a brief that fails to comply with these rules."

RAP 10.7.

Mr. Haunreiter should be sanctioned under CR 11 for a number of reasons; however, the most noticeable and blatant failure to comply with CR 11 is that Mr. Haunreiter's brief is not supported by existing law. At *no point* does Mr. Haunreiter cite *any* case law to support his argument, nor does he give any legal analysis of his issues whatsoever. In fact, throughout Mr. Haunreiter's brief he merely restates the arguments he presented to the trial court without any explanation or reasoning. For example, Mr. Haunreiter's argument for assignment of error number 2

clearly demonstrates his inability to present any tangible legal argument in support of his conclusory allegations, which he succinctly stated in three sentences.

“Respondents requested that Haunreiter not be allowed to file anymore motions until he pays the CR 11 sanctions. Haunreiter argued that sanctions were not necessary. Respondents cited no authority for ordering that he not be allowed to file anymore motions until he paid the sanctions.”

Brief of Appellant, 21.

At no point does Mr. Haunreiter even present an argument as to *why* the trial court has committed error. He presented no standard of review for this issue, offered no case law to support his argument, and merely makes a conclusory statement that the Respondent’s failure to cite authority would somehow absolve him from the order of the trial court.

I could take the time to go through each of Mr. Haunreiter’s arguments in his brief, but the fact of the matter is that Mr. Haunreiter does not have a firm grasp on the legal issues he is appealing. He has made no tangible legal argument and again should be sanctioned not only for wasting judicial resources, but for making baseless claims not grounded in fact or supported by any existing law.

Secondarily, Mr. Haunreiter should be sanctioned for the submission of an improper brief. The most evident issue is the form of the brief itself. First, Mr. Haunreiter offers a table of authorities at the beginning of his brief which has numerous RCW statutes as well as US Constitutional Provisions. However, *at no point* does Mr. Haunreiter

actually use a proper cite of the law in his brief. For example, in Mr. Haunreiter's table of authorities he states that the First Amendment of the United States Constitution is cited on pages 1,9,26,27,28. However, he never quotes the First Amendment, nor does he use case law explaining the first amendment. But rather, the cite denotes any time he says that the Respondents violated his First Amendment rights to free speech. Second, many of the assignments of error do not correspond to the same number in the argument portion of his brief. This makes digesting his brief difficult and confusing and responding to it exceptionally frustrating. Third, Mr. Haunreiter has elected to print his brief in what I can only assume is size 26 font. This of course is not a clear violation of RAP 10.4, which requires size 12 font or larger. However, this again makes digesting Mr. Haunreiter's brief exceptionally tedious and if nothing else, violates the spirit of the rule when he can only fit four to five sentences of argument per page.

Lastly, Mr. Haunreiter's brief was not timely as it should have been presented to the Respondents within 45 days of the filing of his designation of clerks papers. At the very best, Mr. Haunreiter filed a revised set of clerks papers on May 1, 2017, which would make the deadline June 15, 2017. It would appear that Mr. Haunreiter is using the time calculation of 45 days, not including weekends, which would make the deadline July 3, 2017, the day he dated his brief. However, RAP 18.6

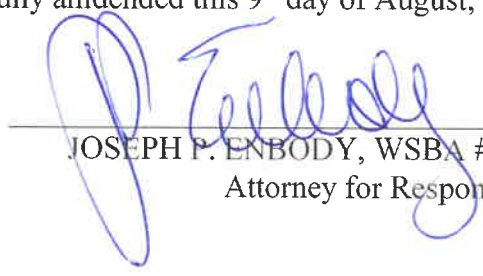
does not exclude weekends and holidays from the time computation for filing a brief. RAP 18.6. Therefore, Mr. Haunreiter's brief was dated weeks past the date of a timely filing.

In conclusion, the Respondents respectfully requests the Court to sanction Mr. Haunreiter for his violations of CR 11.

## **V. CONCLUSION**

For all of the foregoing reasons, Mr. Haunreiter's appeal should be denied in full and he should be sanctioned under CR 11.

Respectfully amended this 9<sup>th</sup> day of August, 2017.



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JOSEPH P. ENBODY, WSBA #1796  
Attorney for Respondents

**ENBODY, DUGAW, ENBODY & ARCURI**

**August 10, 2017 - 11:09 AM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 50367-1  
**Appellate Court Case Title:** Chuck Haunreiter, Appellant v Lewis Co Democrat Central Committee, et al, Respondents  
**Superior Court Case Number:** 16-2-00285-2

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Briefs - Respondents - Modifier: Amended  
*The Original File Name was Brief of Respondents Amended.pdf*

**Comments:**

The brief has been amended to reflect the correct designation of clerk's papers with the correct sub set number.

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